

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

KOCH FOODS OF ALABAMA, LLC, an Alabama limited liability company	)	
	)	Case No. 07-cv-522-MHT
	)	
Plaintiff and Counterclaim-defendant,	)	
	)	Honorable Myron H. Thompson
v.	)	Honorable Terry F. Moorer
	)	
GENERAL ELECTRIC CAPITAL CORPORATION, a Delaware corporation,	)	
	)	
	)	
Defendant and Counterclaim-plaintiff.	)	

**KOCH FOODS’ RESPONSE TO GE CAPITAL’S MOTION TO COMPEL  
INSPECTION OF THE EQUIPMENT WITHIN A SHORTENED TIME PERIOD**

Plaintiff and Counterclaim Defendant, Koch Foods of Alabama, LLC (“Koch Foods”), through its undersigned counsel, hereby files its response to GE Capital’s Motion to Compel Inspection of the Equipment within a Shortened Time Period (the “Motion”). In support hereof, Koch Foods states as follows:

1. Koch Foods believes that the Motion is premature and frivolous, and that it is filed simply to cast Koch Foods and its counsel in a bad light. This is the proverbial making of a mountain out of a mole-hill.

2. Koch foods did not oppose to GE Capital’s inspection of the Equipment at issue on the date requested, but has sought information from GE Capital’s counsel regarding the specifics of the inspection so that proper arrangements for the inspection can be made – for example, who will attend the inspection, what will be done at the inspection, and how long the

inspection will take. GE Capital's counsel has refused to provide any information regarding the intended inspection.

3. The Equipment at issue is located at a Koch Foods' facility where several shifts operate per day and hundreds of thousands of chickens are processed daily. Koch Foods has reasonably requested that counsel for GE Capital provide the requested information regarding the intended inspection so as to minimize any disruption of Koch Foods' business operations.

4. It is unreasonable for GE Capital to request an inspection without providing the information that Koch Foods has inspected. Rather than involving the court in this "dispute," GE Capital should provide details of its inspection plan.

5. Koch Foods is happy to arrange an inspection on September 24, 2007 if GE Capital provides information about the inspection. The information should include the names of person(s) who will conduct the inspection, how the inspection will be conducted, and the time period which the inspection will take.

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Dated: September 18, 2007

Koch Foods of Alabama, LLC

Respectfully submitted,

By: /s/ Zhiyuan Xu  
Zhiyuan Xu, one of the attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that copies of the forgoing *Koch Foods' Response to GE Capital's Motion to Compel Inspection of the Equipment within a Shortened Time Period* were caused to be served upon counsel of record addressed as follows by email and the ECF system on this 18th day of September, 2007.

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/s/ Zhiyuan Xu

Zhiyuan Xu